

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CR 05-1849 JH**

**DANA JARVIS,**

**Defendant.**

**MOTION TO DISMISS DOC. 1713, entitled:**

**MOTION TO DISMISS WELLS FARGO BANK AS THIRD PARTY  
PETITIONER IN THESE CRIMINAL PROCEEDINGS  
RE ENFORCEMENT OF THE DEFENDANT'S PLEA AGREEMENT AS  
INCORPORATED INTO THE DEFENDANT'S FINAL SENTENCE**

COMES NOW the Defendant, Dana Jarvis, by and through his counsel of record, hereby dismissing without prejudice his pleading entered at Doc. 1713, entitled *Motion to Dismiss Wells Fargo Bank as Third Party Petitioner*, as part consideration for a global resolution of the matters involving Mr. Jarvis, the United States and Wells Fargo Bank as to the real property at 1440 Calle Cielo Vista, Bernalillo, New Mexico. As grounds, Mr. Jarvis states as follows:

1. On September 11, 2009 the Parties came to global resolution of their respective issues regarding the subject real property at 1440 Calle Cielo Vista by agreeing to the following:

The Parties agreed that the proposed Final Order of

Forfeiture submitted by the United States as to 1440 Calle Cielo Vista, [Doc. 1711] should be entered. Mr. Jarvis agreed to forthwith dismiss, without prejudice, his Opposed Motion to Dismiss Wells Fargo Bank as Third Party Petitioner [Doc. 1713]. When this has occurred, the United States and Wells Fargo Bank will resolve their matters and then Wells Fargo Bank will dismiss the state foreclosure proceeding with prejudice. When the state dismissal with prejudice has been entered, Mr. Jarvis will withdraw his Second Motion to Enforce the Plea Agreement [Doc. 1705], by dismissing Doc. 1705 with prejudice, as all matters regarding the subject real property will then be resolved.

WHEREFORE, Mr. Jarvis requests the Court enter its Order dismissing Doc. 1713 without prejudice, based upon the agreement for global resolution between Mr. Jarvis, the United States and Wells Fargo Bank as reflected in Mr. Jarvis' Motion to Dismiss Doc. 1713.

Respectfully submitted:

I hereby certify that a true copy of this pleading was sent to SAUSA James Braun, AUSA Cynthia Weissman and Wells Fargo Bank, D. Renae Richards Charney, on this 15<sup>th</sup> day of September, 2009.

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